DOCUMENT N: COURSE AND PROGRAM DEVELOPMENT COVER SHEET
See Course and Program Development Policy and Procedures for Instructions

SCHOOL: LAW X MSB Q YCCLA Q Contact Name: Laurie Schnitzer Phone: 4479
DEPARTMENT / DIVISION: Law School

SHORT DESCRIPTION OF PROPOSAL (state name of action item 1-20 and course name, code & number / program affected):
New Course: Business Immigration Law

PROPOSED SEMESTER OF IMPLEMENTATION: Fall X Spring Q Year: 2009

Box 1: TYPE OF ACTION ADD(NEW) X DEACTIVATE Q MODIFY Q OTHER Q
Box 2: LEVEL OF ACTION Non-Credit X Undergraduate Q Graduate Q OTHER X

Box 3: ACTION ITEM (check appropriate boxes)
1. Experimental Course 1
2. Course Title
3. Course Credits
4. Course Number
5. Course Level
6. Pre & Co-Requisite
7. Course Description
8. New Course
9. Deactivate a Course
10. Program Requirements
11a. UG Specialization (24 credits or less)
11b. Masters Specialization (12 credits or less)
11c. Doctoral Specialization (18 credits or less)
12. Closed Site Program
13. Program Suspension 9
14a. Certificate Program (ug/g) exclusively within existing degree program
14b. Certificate Program (ug/g) where degree programs do not exist or where courses are selected across degree programs (12 or more credits)
15. Off-Campus Delivery of Existing Program
16a. UG Concentration (exceeds 24 credit hours)
16b. Masters Concentration (exceeds 12 credit hours)
16c. Doctoral Concentration (exceeds 18 credit hours)
17. Program Title Change
18. Program Termination
19. New Degree Program
20. Other

DOCUMENTS REQUIRED (see box 4 below)
IMPACT REVIEWS (see box 5 on back)
APPROVAL SEQUENCE (see box 6 on back)


Box 4: DOCUMENTATION (check boxes of documents included)
X N. This Cover Sheet
X O. Summary Proposal
X P. Course Definition Document
Q. Full 5-page MHEC Proposal
R. Financial Tables (MHEC)
S. Contract
T. Other

1. Approval of experimental course automatically lapses after two offerings unless permanently approved as a new course.
2. Codes: a) Library Services (Langsdale or Law) b) Office of Technology Services c) University Relations d) Admissions
3. Letter of Intent is required by USM at least 30 days before a full proposal can be submitted. Letter of Intent requires only the approval of the dean and the provost and is forwarded to USM by the Office of the Provost.
4. One-page letter to include: Program title & degree/certificate to be awarded; resources requirements; need and demand; similar programs; method of instruction; and oversight and student services (MHEC requirement)
5. One-page letter with description and rational (MHEC requirement)
6. One or two-page document that describes: centrality to mission; market demand; curriculum design; adequacy of faculty resources; and assurance program will be supported with existing resources. (MHEC requirement)
7. Learning objectives, assessment strategies; fit with UB strategic plan
8. Joint Degree Program or Primary Degree Programs require submission of MOU w/ program proposal. (MHEC requirement)
9. Temporary suspension of program to examine future direction; time not to exceed two years. No new students admitted during suspension, but currently enrolled students must be given opportunity to satisfy degree requirements.
New Course: Business Immigration Law

10. Provide:
   a. evidence that the action is consistent with UB mission and can be implemented within the existing program resources of the institution.
   b. proposed date after which no new students will be admitted into the program;
   c. accommodation of currently enrolled students in the realization of their degree objectives;
   d. treatment of all tenured and non-tenured faculty and other staff in the affected program;
   e. reallocation of funds from the budget of the affected program; and
   f. existence at other state public institutions of programs to which to redirect students who might have enrolled in the program proposed for abolition.

11. University Council review (for a recommendation to the President or back to the Provost) shall be limited to curricular or academic policy issues that may potentially affect the University's mission and strategic planning, or have a significant impact on the generation or allocation of its financial resources.

Box 5: IMPACT REVIEW

<table>
<thead>
<tr>
<th>Library</th>
<th>Director or designee:</th>
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<tbody>
<tr>
<td>OTS</td>
<td>CIO or designee:</td>
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<tr>
<td>University Relations</td>
<td>Director or designee:</td>
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<td>Admissions</td>
<td>Director or designee:</td>
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<td>Records</td>
<td>Registrar or designee:</td>
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Box 6: APPROVAL SEQUENCE

<table>
<thead>
<tr>
<th>A. Department / Division</th>
<th>Chair:</th>
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<tbody>
<tr>
<td>B. Final faculty review body within each School</td>
<td>Chair: Michael H. Hayes 03/24/09</td>
</tr>
<tr>
<td>C. College Dean</td>
<td>Dean: Jane Choo 2/24/09</td>
</tr>
<tr>
<td>D. Provost and Senior Vice President for Academic Affairs</td>
<td>Provost: Margaret T. Packer for Susan Green 3-3-09</td>
</tr>
<tr>
<td>E. Curriculum Review Committee (UFS subcommittee)</td>
<td>Chair: Betty D. Yan 3-8-09</td>
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<td>F. University Faculty Senate (UFS option)</td>
<td>Chair:</td>
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<td>G. University Council (see #11 above)</td>
<td>Chair:</td>
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<td>H. President</td>
<td>President:</td>
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<td>I. Board of Regents – notification only</td>
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<td>J. Board of Regents – approval</td>
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<td>K. MHEC – notification only</td>
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<td>L. MHEC – approval</td>
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<tr>
<td>M. Middle States Association notification</td>
<td>Required only if the mission of the University is changed by the action</td>
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O-1: Briefly describe what is being requested:
Addition of new course: Business Immigration Law

O-2: Set forth the rationale for the proposal:

**Market Demand:**
Business immigration law is a rapidly growing, yet complex area of the law. There has been a trend among immigration attorneys to focus solely on corporate/business immigration law and many of these firms require one to five years of business immigration law experience. Offering a course that specifically meets this growing need in the job market will give UB Law grads interested in this field a practical understanding and a competitive advantage in the job market. Technological and medical industries continue to experience exponential growth and companies are hiring the "best and brightest" employees from abroad as a result. Competent business immigration attorneys are essential to support these high demand sectors of the market. Also, since this course deals with business as much as immigration law, it would be ideal to offer this course as part of the MBA curriculum to develop hiring managers' understanding of employment-based immigration law.

**Comparative Offerings:**
Many universities tend to offer only a foundational course in immigration law that discusses its history, the effects of immigration on American society and some of the ongoing policy debates related to immigration reform. Other law schools are beginning to offer more in-depth classes on the subject. For example, George Washington University offers Immigration Law I and II (Exhibit 1). Immigration I is similar to the Immigration law class offered at University of Baltimore, covering a broad range of topics including Admission, Inadmissibility, Waivers, Relief, Remedy Applications, Employer Sanctions, Asylum, Deportation and Removal Proceedings, Naturalization, Citizenship, Expatriation, etc. However, Immigration II at GWU is almost identical to the course we propose: the course gives students background in the procedural aspects of employment-based and nonimmigrant visa processes.

**Conclusion:**
Although knowledge of foundational concepts provide important background, it is equally important to apprise future business immigration attorneys of the technical nuances associated with this area of law and our proposed course intends to fill this gap.
1. Date Prepared: September 11, 2008


3. Department: School of Law

4. Course Number(s), including HEGIS code(s): LAW 744

5. Course Title: Business Immigration Law

6. Credit Hours: 3

7. Catalog Description (Paragraph should reflect general aims and nature of the course):
The purpose of this course is to give students a practical and advanced understanding of business immigration law. Includes: Detailed discussion on various procedures in employment-based immigration sponsorship, including non-immigration students, temporary work programs, and methods to apply for permanent residency. The course will also discuss the working relationship between the Immigration Attorney the Petitioning employer and the Beneficiary in context of dual representation through most of the immigration process.

8. Prerequisites: Immigration Law recommended

9. Faculty qualified to teach course: Adjunct faculty qualified to teach business immigration such as Aron Finkelstein (resume on file with Associate Dean).

10. Course Type (check appropriate): Open Enrollment

11. Suggested approximate class size: 30-40

12. Content Outline:

   **Business Immigration Law – Course Outline**

   **Class 1**

   **What is Immigration Law?**


   **Readings:**
   - Passenger Cases, 48 U.S. 283 (1849)
• T. Alexander Aleinikoff, Federal Regulation of Aliens and the Constitution, 83 Am. J. Int'l L. 862
• Immigration and Nationality Act of 1952, http://www.uscis.gov/propub/ProPubVAP.jsp?dockey=c9fef57852dc066cfe16a4e8816838a4
• INA § 274A(e), 8 USC § 1324a(e)
• INA § 212(a)(5)(A); INA § 101(a)(15)(H); INA § 212(n)
• 8 CFR. § 2.1
• 8 CFR. § 3.0 & 8 CFR § 1003
• 8 C.F.R. § 103.1
• 20 C.F.R. § 656.26
• 28 CFR §§ 0.115 – 0.118

Class 2

Your Immigration Vocabulary:

1. The terms and concepts used to discuss and understand immigration law, such as aliens/foreign nationals, visas, status, family & employment immigration, temporary & permanent immigration, and admission.
2. An overview of the different agencies involved in immigration law and their role vis-à-vis each other, DHS (USCIS, ICE, CBP), DOS, and DOL.

Readings:

• Glossary of U.S. Immigration Terms handout
• http://www.uscis.gov/portal/site/uscis
• http://www.ice.gov/
• http://www.cbp.gov/
• http://www.doleta.gov/
• http://www.oalj.dol.gov/libina.htm
• http://travel.state.gov/index.htm

Class 3

Getting into the United States of America

1. Which Government agencies oversee entry into the U.S.
2. Nonimmigrant vs. Immigrant Intent and Dual Intent
3. Fraudulent intent (INA § 212(a)(6)(C))

Readings:
- 22 C.F.R. § 41.112(a)
- Presumption of Intent handout
- INA § 212(a)(6)(C)(i)
- http://www.state.gov/m/a/dir/regs/fam/c22167.htm

Class 4

Kept out of the United States of America

1. Grounds of Inadmissibility: An examination of the reasons a Foreign National might be denied a visa or permission to be admitted into the U.S. (9 FAM 40.6-40.212)
2. Waivers of Inadmissibility
   a) Immigrant Inadmissibility brief overview.
   b) Nonimmigrant Inadmissibility brief overview. (9 FAM 40.301) (INA §212(d)(3))

Readings:
- 9 FAM 40.6-40.212
- 8 C.F.R. § 214.1(a)(3)
- INA § 212(a)
- 8 CFR § 235.1(d)(2)
- INA § 235(a)(1)
- INA § 245(a)
- INA § 212(h)
- INA § 212(d)(3)
- UBA § 212 (c)
- 9 FAM 40.301

Class 5

Overview of Nonimmigrant Employment Categories Part I.
1. What is Employment?
2. The B / WB (Visa Waiver Program) (9 FAM 31.2 N11) Category: Business Visitors and the Prohibition on Work (9 FAM 41.31)
3. Treaty Traders/Investors: The E-1/E-2 Visa (9 FAM 41.51)
4. TN Visa
5. Temporary/Seasonal Workers : The H2A and H2B visa categories (9 FAM 41.53)
6. Trainees: H3 (9 FAM 41.53 and 41.62)
Readings:
- INA § 101(a)(15)
- 22 C.F.R. § 41.11(b)
- 8 CFR § 274a.1(h)
- 8 CFR § 274a.1(g)
- 8 CFR § 274a.1(f)
- 8 CFR § 274a.1(j)
- INA § 217
- 8 CFR Part 217
- 9 FAM 31.2 N11
- INA § 101(a)(15)(B)
- 22 C.F.R. § 41.31(b)(1)
- 9 FAM 41.31 Notes
- INA § 101(a)(15)(E)
- 8 C.F.R. 214.2(e)
- 22 C.F.R. 41.51
- 9 FAM § 41.51
- I.N.A. § 101(a)(15)(H)(2)
- 8 C.F.R. § 214.2(h)(2)
- 9 FAM 41.53
- 8 C.F.R. § 214.2(h)(3)
- 9 FAM 41.53 and 41.62

Class 6

Students

1. F1 & M1- Visa Students Categories (9 FAM 41.61 and 41.62)
2. Overview of the elements
3. Student and Exchange Visitor Information System (SEVIS) and the Immigration & Customs Enforcement
4. Maintaining status
   a) Length of time
5. OPT & STEM Degrees

Readings:
- INA § 101(a)(15)(F)
- INA § 214(m)
- IIRIRA § 641
- 8 C.F.R. § 214.2(f)
- 8 C.F.R. § 214.3
Class 7

J-1 Exchange Visitors:

1. Wide-ranging categories, au pairs to doctors (9 FAM 41.62)
2. The Exchange Visitor Program and the Bureau of Educational and Cultural Affairs
3. Two year foreign residency requirement
   a) Waivers

Readings:
- Mutual Educational and Cultural Exchange Act (Fulbright-Hayes Act) of 1961 [Public Law 87-256, as amended
- INA § 101(a)(15)(J)
- INA § 212(e)
- INA § 212(j)
- IIRIRA § 641
- 22 C.F.R. Part 62
- 22 C.F.R. §§ 41.62 - 41.63
- 9 FAM 41.62

Class 8

Overview of Nonimmigrant Employment Categories Part II.

1. Q & P Visas - Artists, Athletes, Scientists & Businesspeople
   a) Multi-cultural exchange (9 FAM 41.55 - 41.56)
2. R-1, Religious Workers (9 FAM 41.58)
3. Extraordinary Ability: O-Visa

Readings:
- I.N.A. § 101(a)(15)(P)
- 8 C.F.R. § 214.2(p)
- 22 C.F.R. § 41.56
- I.N.A. § 101(a)(15)(Q)
- 8 C.F.R. § 214.2(q)
Class 9

Overview of Nonimmigrant Employment Categories Part III.

1. The H1B & H1B1 Specialty Occupation Worker overview (9 FAM 41.53)
   a) Requirements & Restrictions
      i. What is a Specialty Occupation?
      ii. Is there a Job?
      iii. The challenge of consultants
           o Mid-vendors
           o Displacement of U.S. workers
           o Specialty occupation revisited
           o H1B dependence
   b) The Annual Cap
      i. Cap subject v. cap exempt
      ii. Master's cap
      iii. Chileans and Singaporeans
      iv. Extension of H-1
   c) American Competitiveness in the 21st Century Act (AC21 Portability)
   d) The role of the USCIS and Department of Labor in the H1B program
   e) Public Access File: Rights and Responsibilities
   f) Family issues related to H-1
      i. H-4 visas

2. E-3 Australians

Readings:
- INA § 101(a)(15)(H)(i)(b)
- INA § 214(g) and (i)
- INA § 212(n)
- 8 C.F.R. § 214.2(h)
- 20 C.F.R. § 655.700 . .800 et seq.
- 20 C.F.R. § 655.810
- INA § 214(g)(1)(A)
Class 10

Overview of Nonimmigrant Employment Categories Part IV.

1. The L1 Intra-Company Transferee (9 FAM 41.54)
   a) Overview
      i. Relationship between U.S. entity and foreign entity
      ii. What employees qualify?
      iii. The Manager/Executive Transferee
      iv. Length of time
      v. Company specialized knowledge
   b) Consultants: L1 in lieu of H1?
   c) Blankets
   d) family members
      i. Spousal permission to work

Readings:

- INA § 101(a)(15)(E)(iii)
- 101(a)(15)(L)
- 8 CFR 214.2(l)
- Matter of WAC 07 277 53214 (AAO, July 22, 2008)
- Matter of Colley, 18 I&N Dec. 117 (Comm. 1981);
- Matter of Penner, 18 I&N Dec. 49 (Comm. 1982);
- Memo, Puleo, Acting Executive Associate Commissioner "Interpretation of Special Knowledge" March 9, 1994
- 8 C.F.R. §214.2(l)(4);
- Memo, Cook, Acting Asst. Comm. for Adjudications, HQ 70/6.2.8 (Feb. 13, 2001)
- 214(c)(2)(e)
Memo, Yates, Deputy Ex. Assoc. Comm., Field Operations, HQ 70/6.2.5,6.2.12 (Feb. 22, 2002),

Class 11

Obtaining Lawful Permanent Residence through Employment (Green Card) Part I.

1. Overview:
   a) EB1- Priority Workers
   b) EB2- Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability
   c) EB3- Skilled Workers, Professionals, and Other Workers
   d) EB4- Certain Special Immigrants
   e) EB5- Employment Creation (Investors)

2. Immigration Ethics & Immigration through Employment Sponsorship
   a) Who can pay for what?
   b) Dual Representation
   c) New elimination of substitution regulation

3. PERM Labor Certification:
   a) Overview: A study of the purpose of the program and limitations on employers seeking to sponsor foreign nationals for employment in the United States
   b) Requirements for filing a Labor Certification
      i. Testing the Labor Market
      ii. Actual Minimum requirements
      iii. Preparing for the next steps: ability to pay, and qualifying degree issues, experience, training (8 CFR § 204.5(g)(2))

Readings: Class 11 and 12
- 203(b)(1)(A)
- 203(b)(1)(B)
- 203(b)(1)(C)
- 203(b)(2)
- 203(b)(3)
- 203(b)(4)
- 203(b)(5)
- 8 CFR 204.5(h)
- 8 CFR 204.5(i)
- 8 CFR 204.5(j)
- Letter, Skerrett, Chief, Immigrant Branch, Adjudications, HQ 204.23-C (May 20, 1993)
- Grimson v. INS, 934 F.Supp. 965 (N.D. Ill. 1996)
Class 12

Obtaining Lawful Permanent Residence through Employment (Green Card) Part II.

1. I-140 Requirements & Restrictions
   a) Employer’s Ability to pay
   b) Foreign National’s Qualifications
2. Immigration without the labor certification
   a) PreCertified: Nurses and Physical Therapists
   b) National Interest Waivers
   c) Extraordinary Ability
   d) Outstanding Professor or Researcher
      i. 7 factors v. 10 factors test
      ii. Up & coming v. arrived

Class 13

Obtaining Lawful Permanent Residence through Employment (Green Card) Part III.

1. Adjustment of Status & Consular Processing: Asking U.S. Citizenship & Immigration Services to grant permanent resident status.
2. Overview & Requirements:
   a) Eligibility to file
b) inadmissibility,
c) job offer requirements,
d) options for job flexibility
e) Priority dates
3. CP vs. AOS
4. Family
   a) Follow to Joins
   b) Derivatives
5. AC21 portability I-485 pending 180 days
6. EAD/AP

Readings:
• 245
• 8 CFR 245
• AC 21 104
• 8 CFR 274a.12
• 9 FAM 42.50 et seq.

Class 14

Employment Authorization & Immigration Compliance

1. I-9/LCA Compliance

Readings:
• 20 CFR 655.736 et seq
• 8 CFR 270

13. Learning Goals:
   To give students a detailed and practical understanding of the law and practice in the field
   of business immigration.

14. Assessment Strategies:
   Examination

15. Suggested Text(s) and Materials (example: textbooks, equipment, software, etc.):
   Selected reading material that includes outlines on each topic presented including selected
   portions of 8 C.F.R., 20 C.F.R, INA, uscis.gov (Laws, Regulation & Guides section), selected
   articles, flcdatacenter.com, etc. This information will be made available to students either as a
   supplement or on the TWEN website.

16. Concentrations
   Business